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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,019	10/31/2005	Wolfgang Helm	WEBE-0004	2036
23550	7590	08/18/2009	EXAMINER	
HOFFMAN WARNICK LLC			PHIAM, TOAN NGOC	
75 STATE STREET			ART UNIT	PAPER NUMBER
14TH FLOOR			2612	
ALBANY, NY 12207				
NOTIFICATION DATE		DELIVERY MODE		
08/18/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/535,019	<b>Applicant(s)</b> HELM ET AL.
	<b>Examiner</b> Toan N. Pham	<b>Art Unit</b> 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 May 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the space diagonals" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 9-21 are rejected as being dependent upon a rejected claim.

Claim 23 recites the limitation "the space diagonals" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 24, 25, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthewman (US 4,384,268).

Regarding claim 22: Matthewman discloses a casing (20) for receiving an electrical device, the casing comprising a first indicating apparatus (10) for indicating a

first set of different electrical states (tri-color LED, one color indicates one state) of the electrical device, wherein the electrical device is a switching device and wherein the first indicating apparatus includes a first plurality of indicating devices that are located on the casing such that at least one of the first plurality of indicating devices is visible from each viewing direction for the casing (col. 2, line 59-col. 3, line 50; Figs. 1-2).

Regarding claim 24: Matthewman discloses the indicating device is a tri-color LED for indicating a plurality of indicating states; thus, LEDs are inherently isochromatic indicating devices.

Regarding claim 25: Matthewman discloses a second indicating apparatus (11) for indicating a second set of different electrical states of the electrical device, wherein the second indicating apparatus includes a second plurality of indicating devices (tri-color LED) that are located on the casing such that at least one of the second plurality of indicating devices is visible from each viewing direction for the casing (col. 2, line 59-col. 3, line 50; Figs. 1-2).

Regarding claim 26: Matthewman discloses a casing (20) for receiving an electrical device, the casing comprising a first indicating apparatus (10) for indicating a set of power states (tri-color LED, one color indicates one state, red and green light (col. 3, lines 36-50)) for the electrical device, wherein the electrical device is a switching device and wherein the first indicating apparatus includes a first plurality of indicating devices that are located on the casing such that at least one of the first plurality of indicating devices is visible from each viewing direction for the casing; and a second

indicating apparatus (11) for indicating a second set of different electrical states of the electrical device, wherein the second indicating apparatus includes a second plurality of indicating devices (tri-color LED) that are located on the casing such that at least one of the second plurality of indicating devices is visible from each viewing direction for the casing (col. 2, line 59-col. 3, line 50; Figs. 1-2).

Regarding claim 27: Matthewman discloses the first plurality of indicating devices comprise a first color and the second plurality of indicating devices comprise a second color different from the first color (col. 3, lines 36-50).

Response to Arguments filed on 5/18/2009:

Applicant's arguments with respect to claims 8-27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Toan N Pham/  
Primary Examiner, Art Unit 2612  
8/13/09